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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,773	03/18/2004	Kevin I. Bertness	C382.12-0190	7792
27367	7590	08/11/2005	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1600 - INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			PATEL, RAJNIKANT B	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/804,773	BERTNESS, KEVIN I.	
	Examiner	Art Unit	
	Rajnikant B. Patel	2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18,23-41,46-64,69-77 and 82-111 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18,23-41,46-64,69-77 and 82-111 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>y</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kellett et al. (U.S. Patent 5,637,978).

Kellett et al. disclose the claimed invention an apparatus (figure 2), including a charge supply battery (figure 2, item 30), a DC-DC converter (column 4, line 35-45), a transistor (figure 2, item U1) and a charge storage device (figure 2, item 20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-3 and 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellett et al. (U.S. Patent # 5,637,978) in combination with Barrett (U.S. Patent # 5,684,678).

Kellett et al. disclose the claimed invention as explained in the claims 1 and 4-6, above except the utilization of the technique for a transformer and a bridge rectifier. Barrett teaches the utilization of similar technique for a transformer and bridge rectifier for converter (figure 1, item 24 and 28). It would have been obvious one having an ordinary skill in the art at the time the invention was made to modify Kellett et al.'s apparatus by utilizing the technique taught by Barrett for the purpose improve the efficiency, size and weight of the apparatus.

In regards to claims 6-18 and 82-94 Kellett et al. disclose the claimed invention except the utilization of the charge supply battery is a (single cell or plurality of cells or two cells or "D" cell, two alkaline batteries or "AA" cells or "C" cell or two "AA" or "C" "alkaline batteries or carbon batteries. It would have been obvious one having an ordinary skill in the art at the time the invention was made to utilize battery (item 30), since it has been held to be within the general skill of worker in the art to select a known batteries on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125, USPQ 416.

5. Claims 23,36-41,46-51,69,72-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomantschger (U.S. Patent # 5,637,978) in combination with a paper

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published by Electronix Express (a non patent publications, November 10, 1998) and Bertness (U.S. Patent # 6,249,124).

Tomantschger discloses the claimed invention a jump-start booster (figure 1), including a charge supply battery (figure 1, item 12), DC-DC converter (figure 1, item 10), a small battery (Abstract, line 1-10). However Tomantschger does not disclose the utilization of the technique for a four point Kelvin connection, battery testing circuitry, the DC-DC converter comprises step-up transformer, and a bridge rectifier. Bertness teaches the utilization of the similar technique for a four point Kelvin connection, battery testing circuitry (claims 1-5) and Electronix Express teaches the utilization of the similar technique for the DC-DC converter comprises step-up transformer, and a bridge rectifier (figure 1). It would have been obvious one having an ordinary skill in the art at the time the invention was made to modify Tomantschger's battery booster by utilizing the technique taught by Bertness and Electronix Express's publications for the purpose of providing an improved battery charger with battery tester.

In regards to claims 95-111, Tomantschger in combination with a paper published by Electronix Express (a non patent publications, November 10, 1998) and Bertness disclose the claimed invention except the utilization of the charge supply battery is a (carbon batteries or lead-acid battery or carbon coated electrode or a network of pores or 6-cell-24-cell). It would have been obvious one having an ordinary skill in the art at the time the invention was made to utilize battery (item 30), since it has been held to be within the general skill of worker in the art to select a known batteries on the basis of its

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suitability for the intended use as a matter of obvious design choice. In re Leshin, 125,USPQ 416.

Note:


Significantly, an applicant's duty of disclosure of material and information is not satisfied by presenting a patent examiner with "a mountain of largely irrelevant (material) from which he is presumed to have been able, with his expertise and with adequate time, to have found the critical (material). It ignores the real world conditions under which examines work." Rohm & Haas Co. v. Crystal Chemical Co., 722 F.2d 1556, 1573 (220 USPQ 289) (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). (Emphasis in original).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajnikant B. Patel whose telephone number is 571-272-2082. The examiner can normally be reached on 6.30-5.00; m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rajnikant B Patel
Primary Examiner
Art Unit 2838
